



Appl. No. 10/091,833
Applicant Smith, Richard D., et al.
Filed 03/05/2002
Title Method and Apparatus For Multispray Emmitter for Mass Spectrometry

TC/A.U. 2881
Examiner Kalivoda, Christopher M

Docket No. E-13183

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Rule 131 Affidavit


I, Richard D. Smith hereby declare and state as follows:

I am listed as an inventor in the above captioned patent application. I am also listed as co-author in the publication entitled "Generation of Multiple Electrosprays Using Microfabricated Emitter Arrays for Improved Mass Spectrometric Sensitivity", Analytical Chemistry, April 15, 2001, Vol 73, No. 8, American Chemical Society (the "paper").

The methods and apparatus described and claimed in the patent application are the same as those described in the paper. The concept(s) for the method and apparatus claimed in the patent application were originally conceived of by Keqi Tang, Yuehe Lin and myself prior to writing the paper. Our conception of these concepts occurred in the United States. Together with my co-inventors, the methods and apparatus were immediately reduced to practice in a series of experiments. The experiments that reduced these methods and apparatus to practice also occurred in the United States. These experiments were then described in great detail in the paper which we then submitted to the journal Analytical Chemistry. The journal accepted the paper, and it was subsequently published as the paper. The paper thus provides the most comprehensive description available of our activities reducing the claimed invention to practice. Obviously, all of these activities took place prior to our writing the paper, otherwise, we could not have described them in the paper. The paper, and the experiments described therein, thus provide proof that both our conception and reduction to practice of the invention claimed in the patent application occurred prior to the publication of the paper. I therefore declare on my oath

that we conceived of the invention claimed in the above captioned patent application and reduced it to practice in the United States no later than April 15, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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|---------|---|----------------|
| |  | <u>4/15/04</u> |
| signed: | Richard D. Smith | date |